Sixteenth Annual Report

of

THE DEPARTMENT OF JUSTICE

for

Prince Edward Island

1988

TO: **THE HONOURABLE LLOYD G. MacPHAIL**
Lieutenant Governor
Province of Prince Edward Island

May It Please Your Honour:

I have the honour to submit the sixteenth Annual Report of the Department of Justice for this province.

I have the honour to be, Sir,

Your obedient servant,

Wayne D. Cheverie, Q.C.
Minister of Justice and
Attorney General

TO:

THE HONOURABLE WAYNE D. CHEVERIE, Q.C.
Minister of Justice and Attorney General
Province of Prince Edward Island

Sir:

I am pleased to submit herewith the Annual Report of the Department of Justice for the year ending 31 December 1988.

Respectfully submitted,

Arthur J. Currie, Q.C.
Deputy Minister of Justice

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INTRODUCTION

The year 1988 saw the opening of a 32 bed secure custody facility for young offenders in Summerside by the Honourable Wayne D. Cheverie, Q.C. This facility will do much to assist the rehabilitation of young offenders and provide them with the skill and motivation necessary to put their lives back in order. In addition, extensive renovations are under way to the Prince County Jail to ensure the secure incarceration and safety of adult inmates. To facilitate these renovations, the courts have been moved to the St. Eleanors School. Renovations are expected to take approximately six months to complete.

Legislation passed during the 1988 session of the Legislative Assembly included the Maintenance Enforcement Act, Judicial Review Act and a Victims of Crime Act (unproclaimed to date). The Films Act and the Private Investigators and Security Guards Act were proclaimed in 1988 after regulations were approved by the Lieutenant Governor in Council.

The administration of the Charlottetown and Summerside Registry Offices was transferred from the Department of Justice to the Department of Finance in 1988. This move was part of an overall move to locate the administration of all land related activity under one government department.

The reports of the divisions of the Department contained herein have been prepared by the directors and amalgamated into the report of the Department. The report of the Commanding Officer of "L" Division, R.C.M.P. will be tabled in the Legislative Assembly as a separate report.

DEPARTMENTAL DIVISIONS

1. Administration
2. Community and Correctional Services
3. Consumer Services
4. Corporations
5. Crown Attorneys
6. Family Legal Aid
7. Insurance
8. Judicial
9. Legal Services
10. Legislative Counsel
11. Public Defender

ADMINISTRATION

The Administration Division is responsible for the personnel of the Department and ensuring that the Department runs in a smooth and efficient manner. The Division is under the Director of Corporations who, in conjunction with the staff of the Division, prepares the annual budget and account for all revenues and expenditures.

Personnel

Director: Edison Shea, C.A.
Administrative Officer: Kaye MacFadyen
Clerk: Linda Milligan
Clerk: Donna Thompson

COMMUNITY & CORRECTIONAL SERVICES

Introduction

The Community and Correctional Services Division is comprised of three branches:

1) Community Programs;
2) Custody Programs;
3) Special Programs.

COMMUNITY PROGRAMS

This branch includes the provision of youth and adult probation, Family Court, and related services.

At year's end, field staff of the branch consisted of two family counsellors and eleven probation officers operating from offices in Charlottetown, Summerside, O'Leary, Montague and part-time offices in Souris and Alberton.

Pre-Sentence/Pre-Disposition Reports

During 1988, probation officers conducted assessments and investigations for and submitted 136 pre-sentence reports in response to requests from both Provincial and Supreme Court. This compared with 161 reports in 1987 and 158 reports in 1986.

There were 75 pre-disposition reports prepared on young offenders for Youth Court compared with 158 reports in 1987 and 173 reports in 1986.

Probation Supervision

On January 1, 1988, there were 498 adults (age 18 and over) under the supervision of probation officers in the province with 606 new cases added during the year. This compares with 555 new cases added during 1987 and 654 cases in 1986.

In addition, there were 209 new young offender cases brought under supervision; this compares with 219 new cases in 1987 and 254 new cases in 1986.

On December 31, 1988, 553 adults were under supervision of probation officers. This reflects an increase of 55 individuals over December 31, 1987. At year's end there were also 218 young offender cases under active supervision.

It should be noted the workload for young offenders was influenced significantly given that the Youth Court did not operate for nearly five months in mid year.

Restitution and/or community service/work was frequently ordered by judges of Provincial and Youth Court as a condition of probation orders.

In addition to regular duties performed by family counsellors, there is increasing interest in and demands on family counsellors to participate in mediation procedures in assisting individuals with Family Law difficulties to resolve these problems outside of or in preparation for court proceedings.

Temporary Absence Program

Staff of Probation Services assessed and investigated 150 applications from sentenced inmates of the Provincial Correctional Centre and Prince County Jail, under the regular Temporary Absence Program. Of these the Department of Justice authorized 123 temporary absences. This compares with 228 in 1987 and 162 in 1986. Of the 123 releases 12 were for purposes of employment or paid training; 1 for purposes of education; 95 for purposes of treatment (85 alcohol and 10 medical/psychiatric) and 15 for rehabilitative or humanitarian reasons.

There were 10 violations of temporary absence privileges for 1988 as compared to ten for 1987 and one for 1986.

The above releases do not include releases where inmates were escorted by correctional officers, probation officers or under the general supervision of community supervisors in a voluntary capacity, nor do they include releases by the National Parole Board on either day or full parole. As well, these releases do

not include inmates released under the Christmas Temporary Absence Program outlined below.

Christmas Temporary Absence

The Christmas Temporary Absence Program established in 1971 where sentenced inmates in provincial institutions were provided the opportunity of spending some time with family and/or friends was continued in 1988. Thirty-four inmates were provided the opportunity of being released for varying periods of time (5 - 50 hours)

CUSTODY PROGRAMS BRANCH

New Initiatives

The Custody Programs Branch experienced a very busy year during 1988 with major initiatives in both Adult and Young Offender programs.

During the year construction commenced on two new eight bed, open custody young offender facilities located in Georgetown and Tyne Valley. These facilities are expected to be completed early in 1989.

Also during the year a 32 bed, secure custody young offender facility was completed and commenced operation in late November. This facility is known as the Prince Edward Island Youth Centre.

In addition to these young offender developments, the adult side of the Branch was the subject of considerable study and change.

A review of programs at the Provincial Correctional Centre was completed in June and several of the recommendations contained in the report on the review will form the basis for future development of this facility.

A review of the physical structure of Prince County Jail in terms of the safety and security of the facility was conducted during the year and at year end the Department of Justice was awaiting the outcome of construction tenders for the renovation of this facility.

Existing Programs & Facilities

Young Offender

Prince Edward Island Youth Centre: this centre, opened in Novem-

ber, 1988, has a capacity of 32 secure custody beds and is located in Summerside.

The Prince Edward Island Youth Centre employs a total of 50 full-time and 31 part-time staff.

Kings County Youth Centre: this centre operated out of the Kings County Jail facility for the first eleven months of the year as an interim 10 bed, secure custody facility for young offenders. It was closed for young offender use with the opening of the Prince Edward Island Youth Centre.

Summerside Youth Centre: this centre operated as a 10 bed, open custody, young offenders centre throughout the year. The eleven full-time and six part-time staff employed at this temporary facility will be relocated to Tyne Valley when that centre opens in 1989.

Community Custody Program: this program, initiated in 1987, continued to provide a community based custody option for selected young offenders during the year.

Youth in this program may be placed into private homes in the community with additional staff resources allocated to assist the care provided.

Out-of-Province Placements: the use of out-of-province placements for young offenders increased during the year as indicated in Table "C."

This may be attributed in part to delays in the opening of new facilities within the Province.

Adult

Provincial Correctional Centre: the capacity of this facility remained at 98 beds during the year. In total there were 51 full-time and 19 part-time staff employed by the Centre.

The overcrowding of this facility experienced during 1987 was alleviated somewhat during the year. This trend is evidenced by Tables "A" and "B."

During the year the Provincial Correctional Centre initiated several community service projects aimed at assisting non-profit community groups. Activities included inmates making repairs to the Oyster Bed Bridge and Gencheff Children's camps, Fairhaven Girl Guide camp and several church renovation projects in addition to a program involving inmates of the Provincial Correctional Centre assisting in programs for seniors in two Charlottetown area facilities.

Prince County Jail: the capacity of this facility for adult use during the year remained at 32 beds. Young offenders continued to occupy the upstairs portion of this facility until late November.

Six full-time and three part-time staff are employed in this facility.

Statistics

The following are statistical tables of the number of prisoner admissions to the Correctional Centre and each jail during the year under the categories of: (1) Lock-up (police arrestees held prior to court appearance, federal parole violators, immigration detainees); (2) Court Remands; and (3) Sentenced. Only status upon original admission is counted. Prisoners who change from lock-up to remand or sentence status or from remand to sentence status without release are not re-counted under their new category.

Of the 114 remand admissions during the year, 72 eventually changed to sentenced status without release. They do not appear in the sentenced column of Table "A."

The number of prisoners held before transfer to a federal penitentiary was 29. Of these, 20 were sentenced by Prince Edward Island courts, 9 were federal parole violators. The corresponding numbers in 1987 were 35 and 15.

There were no prisoner deaths in the Province during the year. Staff dealt with twelve suicide attempts.

There were no escapes involving adult prisoners from within an institution during the year. There were two runaways from outdoor/community activities, compared to three in 1987.

The per diem billing rate for holding a prisoner for the year of September 1, 1988 to August 31, 1989 is $93.55.

Table "B" is a statistical table of the number of days served by prisoners in 1988 in each jail and the Correctional Centre under the categories of: (1) Lock-up; (2) Remand; and (3) Sentenced.

Volunteers from several religious groups and denominations, as well as many other organizations, associations and individuals gave freely of their time to be involved in various ways in the operation of the youth and adult facilities and their programs. To these groups and individuals, as well as government departments and divisions also involved, the Department is extremely grateful.

Table "C" is a statistical table of the number of offender days in each young offenders custody program/location.

Though the total number of days in custody by young offenders is down approximately 30% from the previous year, it must be noted that the Youth Courts did not hear any cases for approximately 5 months between July and November due to a challenge to the Youth Court's authority being heard by the P.E.I. Supreme Court.

TABLE "A"
(PRISONER ADMISSIONS)

	LOCK-UPS		REMAND		SENTENCED	
	1988	1987	1988	1987	1988	1987
Provincial Correctional Centre						
Adult						
Male	1001	1067	62	82	946	901
Female	62	59	3	4	64	73
TOTAL	1063	1126	65	86	1010	974
Prince County Jail						
Adult						
Male	426	531	47	57	415	465
Female	24	26	0	1	0	0
TOTAL	450	557	47	58	415	465
Kings County Jail						
Adult						
Male	176	114	2	2	5	4
Female	7	5	0	0	0	2
TOTAL	183	119	2	2	5	6
Total 2 Jails + Provincial Correctional Centre						
Adult						
Male	1063	1712	111	141	1366	1370
Female	93	90	3	5	64	75
TOTAL	1696	1802	114	146	1430	1445

TABLE "B"
(PRISONER DAYS)

	LOCK-UPS		REMAND		SENTENCED	
	1988	1987	1988	1987	1988	1987
Provincial Correctional Centre						
Adult						
Male	1056	1170	2268	2992	21734	26990
Female	63	59	8	49	431	909
TOTAL	1119	1229	2276	3041	22165	27899
Prince County Jail						
Adult						
Male	460	578	506	843	3951	7122
Female	28	26	0	0	0	0
TOTAL	488	604	506	843	3951	7122
Kings County Jail						
Adult						
Male	177	118	7	5	9	16
Female	7	5	0	0	15	29
TOTAL	184	123	7	5	24	45
Total 2 Jails + Provincial Correctional Centre						
Adult						
Male	1693	1866	2781	3840	25694	34128
Female	98	90	8	49	446	938
TOTAL	1791	1956	2789	3889	26140	35066

TABLE "C"
(TOTAL DAYS BY YOUTH FACILITY)

	LOCK-UP		REMAND		OPEN CUSTODY		SECURE CUSTODY		FACILITY TOTAL	
	1988	1987	1988	1987	1988	1987	1988	1987	1988	1987
KINGS COUNTY YOUTH CENTRE	40	4	297	424	9	0	1864	2629	2210	3057
SUMMERSIDE YOUTH CENTRE	0	0	0	0	2736	3539	0	0	2736	3539
COMMUNITY PLACEMENTS	0	0	0	24	1187	2868	0	5	1187	2897
OUT OF PROVINCE	0	0	0	0	335	42	2113	2096	2448	2138
ADULT FACILITIES	44	61	89	825	0	0	501	1001	634	1887
PRINCE EDWARD ISLAND YOUTH CENTRE	7	0	87	0	0	0	102	0	196	0
TOTAL	91	65	473	1273	4267	6449	4580	5731	9411	13518

SPECIAL PROGRAMS

Justice Resource Service

The Justice Resource Service continued to coordinate the Community Crime Prevention Program. The program is funded through the Solicitor General of Canada and the Prince Edward Island Department of Justice.

The intent is to develop a province-wide crime prevention strategy over a three-year period. The project focuses on family violence, youth and drinking and driving, with the overall objective of increasing community involvement in these and related issues. The program provides consultation, resources, and other support to local communities in developing community-based programs.

Highlights for 1988 included:

- developing the "youth making a difference" network;
- organizing a workshop entitled "Family Violence: the Church's Response";
- conducting volunteer training for the Turning Point group's public education program;
- holding Provincial Crime Prevention Month during November; and
- organizing a provincial youth conference on crime prevention.

The Justice Resource Service works closely with the police, other justice agencies, and various community organizations.

The program takes a social development approach to crime prevention. The program is based on the concept that communities can solve many of their own problems and emphasizes interagency cooperation.

Victim Services Program

In May 1988, the Victims of Crime Act was passed in the Provincial Legislature. The Act includes a statement of principles, establishes a Victim Services Advisory Committee and Program, and provides for criminal injuries compensation and a victim surcharge system. It is anticipated that the Victims of Crime Act will be proclaimed early in 1989.

With the cooperation of the Charlottetown Police Department, a Victim Services Pilot Project was carried out beginning in January 1988. The pilot project provided an opportunity to test procedures before expanding the Victim Services Program province-wide. Approximately 400 victims were contacted during the one-year pilot project. Assistance provided to victims of crime included: information about case status, the criminal justice system, and court procedures; emotional support and short-term counselling; referrals for legal, financial, and long-term counselling services; and assistance through the court process and with the preparation of Victim Impact Statements.

The Victim Services Program is staffed by a full-time coordinator and part-time secretary. Two victim services workers and another part-time secretary will be hired and trained so that the Victim Services Program will expand province-wide early in 1989. Victim Services staff will be available to assist victims of crime as needed from the time they report an incident to any police agency across Prince Edward Island until the case in concluded.

The federal Department of Justice is assisting financially with the establishment of the Prince Edward Island Victim Services Program. In the longer term, the program, including criminal injuries compensation awards, is to be financed through cost-sharing agreements and the imposition of a surcharge on federal and provincial convictions.

Integrated Justice Information System

A project to develop an automated provincial central registry for youth court records as well as a fines management system in Provincial Court, Charlottetown, became a fully operational program in 1987. This was the first concrete stage toward the development of an Integrated Justice Information System in the province. This system has been expanded to Summerside. The central registry concept should be expanded to adult court records in early 1989. This work has been funded in part by the Canadian Centre for Justice Statistics, Ottawa.

Safe Driving Project on Impaired Driving

With financial assistance from the Impaired Driving initiative of the federal Department of Justice and with the guidance of an Advisory Committee to the Minister of Justice and Attorney General, a thorough examination of the complex issue of impaired driving in the province was completed in December 1988.

The project attempted to coordinate intervention on drinking and driving in the province by focusing on the examination of existing services and agencies, consulting with community and other

groups through public meetings, written briefs and in researching and developing demographic profiles and statistical analysis of the drinking driver.

A final report of the committee's work, including recommendations for continuing a coordinated approach in the future to deal with drinking and driving in the province will be submitted to the Minister of Justice and Attorney General in early 1989.

Youth Court Clinic Project

With the proclamation of the Young Offenders Act (Canada) in 1984 came concerns as to the adequacy of assessment and treatment resources and services in the province for young offenders.

Accordingly, a project was initiated in 1987 to review and develop approaches as to how best the youth courts and young offenders programs can satisfy its requirements arising out of the Young Offenders Act for assessment, treatment and related resources.

This project, which will run until March 1989, is supported by financial assistance from the Young Offenders Program in the federal Department of Justice.

Continuing Initiatives for 1989

In addition to demands arising out of ongoing programs of this division, particular attention will be directed toward the following in 1989:

1) Implementation of the recommendations arising from a review of programs at the Provincial Correctional Centre.

2) Continued work on the development of alternatives to imprisoning individuals for non-payment of fines.

3) Continued development toward a staff development and training plan and human resource strategy for the division.

4) Continued examination of mediation as a support to the work of Family Court Services.

5) Continued review and updating of policy and procedures in adult and youth facilities and in probation services.

6) Renovations to Prince County Jail.

7) Implementation of a province-wide Victims of Crime Program.

8) Continued work toward the full implementation of an Integrated (Criminal) Justice Information System.

CONSUMER SERVICES

A. Acts Administered

The Consumer Services Division of the Department of Justice is responsible for the administration of the following laws:

Auctioneers Act	**
Bills of Sale Act	
Business Practices Act	
Cemeteries Act	**
Charities Act	**
Collecting Agencies Act	**
Conditional Sales Act	
Consumer Protection Act	**
Consumer Reporting Act	**
Direct Sellers Act	**
Films Act	**
Lottery Schemes Order	**
Prearranged Funeral Services Act	
Sale of Goods Act	
Part X, Bankruptcy Act	*
Private Investigators and Security Guards Act	**
Tax Rebate Discounting Act	*

Key: * **Federal Statute**

** **License or Registration Requirement**

B. Program Statistics and Comments:

1. Licensing and Registration:	**1987**	**1988**
(a) Direct Sellers Licensed	98	145
(b) Collecting Agencies Licensed	5	4
(c) Consumer Reporting Agencies Licensed	4	5
(d) Auctioneers Licensed	42	32
(e) Lottery Licenses Issued (Bingos, Raffles, Lotteries)	522	431
(f) Video Outlets Licensed	0	144
(g) Private Investigators and Security Guards Licensed	0	90

2. Consumer Complaints and Inquiries:

(a) Complaints:	**1987**	**1988**
(i) Motor Vehicle Sales & Repairs	155	175
(ii) Home Construction & Renovations	31	26
(iii) Appliances - Sales & Service	49	62
(iv) Mail Order/Direct Sales	191	218
(v) Collections/Credit	64	76
(vi) Financial/Debtor Problems	119	150
(vii) Other	559	609
TOTAL	**1168**	**1316**

(b) Inquiries:	**1987**	**1988**
TOTAL	**1410**	**1626**

3. Orderly Payment of Debts Program - Part X of the <u>Bankruptcy Act</u>

	1987	**1988**
(a) Funds Disbursed to Creditors	$88,853.00	$82,965.00
(b) Debtor Interviews and Reviews	91	112

In 1988, eleven new Consolidation Orders (new files) were issued as compared with six in 1987. Seven clients retired their debts in full during 1988 for a net increase in active paying clients.

C. Consumer Education and Information:

During 1988, the staff of Consumer Services spoke to 28 different groups and educational institutions. These included: Holland College, Police Academy, Community Schools and Pre-Retirement Courses across the Province.

D. Legislative Initiatives:

1. **Films Act**: the Films Act which received Royal Assent in 1987 was proclaimed effective January 1, 1988. The Act requires that any person who rents, leases or sells films on video cassette to be licensed. As well, a video dealer must not sell, rent or lease any film that has not been classified by the Board and that does not bear the proper classification sticker. Films that are classified "Restricted" and captioned "Explicit Sex" may not be rented, sold or leased to any person under 18 years of age. Films which are educational, cultural, heritage, religious, travelogues, sporting events, political, industrial or business and children's cartoons are exempt from classification by the Board, and must bear an "Exempt" sticker.

2. **Private Investigators and Security Guards Act**: this statute was passed in 1987 and after consultation with the industry, regulations were drafted in early 1988. The Act and Regulations were proclaimed effective September 1, 1988. As of that date, all security guards and private investigation firms must be licensed. All firms must obtain comprehensive general liability insurance in the amount of $500,000 or more as a condition of licensing. In addition, security guard firms must obtain a fidelity bond in an amount of $10,000. Each individual security guard and private investigator must be licensed. Licensees are issued a photo identification form of license which they must carry when on duty and produce for inspection when requested to do so by a member of the public. All license applicants are screened for criminal records. To date eight (8) firms and ninety-one (91) individuals have been licensed. No individual has been refused a license. All security guards are required to be in uniform when on duty and each must have on their uniform a cloth patch bearing the words "Security Guard" in letters no less than 3/8" in height. Each security guard firm must obtain approval from the Minister of Justice for the style, pattern and color of the uniform worn by its employees.

D. Legislative Initiatives

3. **Lottery Schemes Order:** effective February 1, 1988, the licensing process and fee structure were changed. Organizations wishing to apply for a license for a bingo, raffle, lottery or casino night, where the value of the prize is less than $250, may apply for and obtain their license from any of the Regional Services Centre. As well, the application for any license need not be sworn before a Commissioner of Oaths. For lotteries with a prize value over $250, two representatives must sign the application on behalf of the organization. The fees for licenses are now 2% of the market value of the prizes, with the minimum license fee being $5.00.

   On November 1, 1988, the Lottery Schemes Order was amended to provide for increased regulation of bingos in the Province. Committees representing bingo licensees from Summerside and Charlottetown had approached the Department in late 1987, early 1988, expressing concern over decreasing revenues and lack of control on prizes. A bingo prize war was developing in the two communities. The changes that became law on November 1, 1988 require that:

   (a) 15% of gross receipts must be available for programs and projects of the charity;

   (b) No more than $6,000 in prizes may be offered or paid out in any 24 hour period;

   (c) Regular games have an upper prize limit of $100 per game;

   (d) No game may have a prize greater than $3,000;

   (e) Organizations who contract with a commercial bingo hall operation must submit a budget demonstrating revenue and expenses for the organization.

In addition, the amendments spell out the rules for the actual conduct of the bingo game, participation by employees and age restrictions for players.

E. Personnel

Director: Eric Goodwin
Consumer Services Officer: Edna R. Lord
Compliance Officer: Vacant
Secretary-Receptionist: Marlene Hughes

CORPORATIONS DIVISION
ANNUAL REPORT
YEAR ENDED DECEMBER 31, 1988

Acts Administered
The Corporations Division of the Department of Justice is responsible for the following Acts:

Companies Act
Condominium Act
Co-operative Associations Act
Corporation Securities Registration Act
Credit Union Act
Licensing Act
Limited Partnerships Act
Partnership Act
Securities Act
Winding Up Act

Companies Act Statistics

Following are statistics which pertain to the various statutes administered by the Corporations Division:

	1988	1987
- Incorporations during the year		
Business Corporations.....	383	322
Not-for-profit corporations	52	25
Total new corporations	435	347
- Certificates of good standing under the Companies Act and Licensing Act	265	263
- Annual returns filed under Section 80 of the Companies Act	3,062	2,527

The number of incorporations during 1988 increased 25% over the previous year. Most of the other filings under the Act were about the same as they were in 1987, except for annual return

filings, which were 21% above the previous year. In 1988 there were 154 companies dissolved because of failure to file annual returns.

Co-operative Associations Act

There are some 80 active co-operatives in the Province and those are reported on separately in the Annual Report of the Inspector of Co-operatives, which is normally also tabled in the Legislature.

During 1988 there were 15 new co-operatives incorporated and 7 were incorporated in 1987.

Corporations Division staff continue to work closely with co-operatives, especially through the Co-operative Union of Prince Edward Island, which acts as the voice of the co-operative movement in Prince Edward Island.

Corporation Securities Registration Act

Registrations under this Act totaled 443 in 1988 and 303 in 1987. In 1988 there were 109 certificates of status issued as opposed to 102 in 1987.

Credit Union Act

The Credit Union Act is administered by the P.E.I. Credit Union League Limited, which also carries out inspections of credit unions. A separate report on credit unions, as compiled by the League, is also presented in the Legislature.

The Credit Union League staff communicates regularly with the Department to keep it informed about the credit union movement.

Licensing Act

All out-of-province businesses carrying on business in this province are required to register under the Licensing Act regardless of whether they have an office or employees in the province. Such business organizations include banks, trust companies, loan companies, finance companies, chain stores, oil and gas companies, construction companies, manufacturers and generally all corporations not incorporated under the laws of this province and having their head office or chief place of business located outside the province.

	1988	1987
Corporations and businesses registered under this Act.....	2,018	1,970

Partnership Act

The business names of sole proprietorships and partnerships are registered under the Partnership Act as well as the trade names of corporations.

	1988	1987
Declarations of proprietorships, partnerships and trade names filed during the year	891	789
Dissolutions Filed	172	149

Securities Act

The Securities Act regulates the sale of securities to the public and provides for the licensing of brokers and salesmen.

The following registrations and filings were made under the Act:

	1988	1987
Licenses issued		
- resident salesmen	106	89
- non-resident salesmen	9	20
- brokers	34	29
Prospectuses registered	535	573
Prospectus amendments registered .	107	91
Certificates of exemption from full prospectus requirements ...	79	85

Revenue

The Corporations Division collects fees under the various statutes it administers with revenue expected for the fiscal year ending March 31, 1989 of $624,000. For fiscal 1989/90, it will total about $678,000.

Other

Corporations Division staff spend a significant amount of time responding to inquiries from the public as the information filed in the Division is public information. Requests for information about corporations, co-operatives, partnerships, or other matters come from the legal and accounting professions, other government departments, police authorities, businessmen, bankers and other financial institutions and the public at large.

Inter-Government Conferences

The Director of Corporations or the Corporations Officer attended the 1988 Annual Conferences of the Canadian Securities Administrators, the Administrators of Co-operative and Credit Union Legislation, the Canadian Corporation Law Administrators and the Canadian Administrators of Trust Company Legislation.

These meetings are invaluable as there is much knowledge to be gained from administrators in the larger provinces where the various administrators specialize in the administration of securities law, company law, etc. In the smaller provinces such specialization is not practical for financial reasons.

These administrators' conferences are useful for exchanging information and developing uniform policies to ease the burden on business organizations which often operate in several provinces in Canada.

Computerization

After many decades of relying on manual records, the Corporations Division was introduced to the world of computers during 1988. The Computer Services Division of the Department of Finance worked with our staff to develop a computer system, which would meet the needs of the Corporations Division. The new system will provide better control over the filing of annual returns under the Companies Act and is a more efficient system for the handling of enquiries from the public.

Personnel

Director: Edison Shea
Corporations Officer: Merrill Wigginton
Corporations Records Supervisor: Sandra Furlotte
Administrative Assistant: Sheila MacNevin
Secretary: Kay Constable
Secretary: Norma MacMillan
Secretary: Lori Stewart

CROWN ATTORNEY'S OFFICE

1987 - 1988

The Crown Attorney's office is mandated to represent the Attorney General of the Province in all aspects of his prosecutorial function both criminal and provincial; that is, among other matters, to advise on and prosecute all offences in the province

under the **Criminal Code of Canada** and those under provincial statutes in the courts of the province. The office also represents the Attorney General on all appeals arising out of the operation of the Attorney General's prosecutorial function in the Province, launched either by the Attorney General or by the defendant in the Supreme Court of Prince Edward Island and the Supreme Court of Canada. Full-time offices are maintained in both Charlottetown and Summerside.

The court system in the province consists of several levels. There is the Appeal Court, on which there are three judges, the Supreme Court of Prince Edward Island on which there are four judges, and the Provincial Court on which there are three judges who also sit on the Young Offender's Court. Crown Attorneys appear regularly before all courts.

The work flows into the Crown Attorney's Office from the investigations of approximately 200 peace officers located in ten locations covering the province. Work also flows in from provincial departments, victims and numerous sources inside and outside the province. The prosecutions arising from these investigations are prosecuted before the courts of the province in the five locations jurisdictionally set up for the purpose. Appeals from these prosecutions are heard in Summerside and Charlottetown.

The Auditor General on request of the Department of Justice performed an audit of the Crown Attorney's Office during the 1988 fiscal year. The objectives of the audit were to review the activities, staffing, costs and output of the Crown Attorney's Division and to recommend improvements where appropriate. A summary of findings and recommendations are as follows:

Auditor General's Report

The Auditor General's Office requested statistical data on operating costs from some other provinces and from the Canadian Centre for Justice Statistics. This information is summarized for comparison purposes. The relevant data is included on the following table:

Table 1
Estimated Statistics - 1987

	Prince Edward Island	New Brunswick	Nova Scotia
Number of Cases	7,679	36,734	50,696
Number of Equivalent Staff Attorneys	4	36	40
Caseload per Attorney	1,920	1,020	1,267
Division Costs	$290,000	$2,458,000	$3,890,800
Cost per Case	$38	$67	$77
Population	127,000	712,000	879,000
Costs per Capita	$2.28	$3.45	$4.43

The workload has increased significantly in recent years because of changes in legislation or government programs and initiatives in the following areas: Charter of Rights, Young Offenders, Domestic Violence, Child Abuse, Sexual Assault, Drinking and Driving, and Victim's Rights. There have been many changes in the **Criminal Code** and other related statutes in recent years. Court decisions dealing with these changes are being appealed frequently. In addition, the **Charter of Rights** has opened the door to many more arguments both at trial and on appeal.

Due to, amongst other factors, the many changes in the law, police dependence on Crown consultation has increased.

Victims of crime also demand attention especially recently with victim's rights becoming more important.

The scheduling of courts cause problems for the Crown Attorneys. There is so much going on at the courts that present staffing cannot cover the courts effectively.

Crown Attorneys appear daily in three Provincial Courts and Young Offenders Courts. Crown Attorneys also deal with Supreme Court matters regularly. They appear in Supreme Court for non-jury cases on a year round basis. Jury trials are held twice a year in each county and are covered by Crown Attorneys. In addition to trials, Crown Attorneys are involved in pre-trial conferences and chamber appearances at the Supreme Court level.

In the matter of appeals, approximately 85 percent of the appeals are handled by the same Crown Attorney. **Charter** arguments have

created a necessity for additional preparation and research. It seems that appeals are very complex and a high level of skill, expertise and experience is necessary. Appeals are, therefore, the main preoccupation of one Crown Attorney.

The dilema for the Crown Attorney's Office is that the workload which is uncontrollable is increasing so much that there is not enough time to do the work.

To meet the ever increasing workload on Crown Attorneys, lawyers are contracted as part-time prosecutors. The use of contracted services can cause problems especially if they cannot finish the assignment and others have to complete the case. However, under the present situation of workload and understaffing, the farming out of prosecutions is the only way of covering the courts. The use of contract services has been examined to ensure that the staffing requirements are met by an appropriate mix of contract services and full-time staff.

The Department of Justice has taken immediate steps to develop a plan of action to deal with the workload and staffing problems within the Division. This plan will include provisions for the necessary support staff, office facilities and equipment.

Results of the Audit Prepared by the Auditor General's Office

The Attorney General has announced the creation of two new Crown Attorney positions. There will also be two secretarial positions created. One to work in the Charlottetown Office and one to work in the Summerside Office.

Personnel

Director: Richard B. Hubley, Q.C. Charlottetown Office
Crown Attorney: Darrell E. Coombs, Charlottetown Office
Crown Attorney: David P. O'Brien, Summerside Office
Crown Attorney: Agnes E. MacDonald, Charlottetown Office
Administrative Assistant: Linda M. Peters
Secretary: M. Paulette Neale

FAMILY LEGAL AID
APRIL 1, 1987 TO MARCH 31, 1988

This is the eighth annual report of the Family Legal Aid Program in Prince Edward Island. The program was initiated by the Province in 1980 with the assistance of a three year federal grant.

Program Structure

The Family Legal Aid Program is operated in conjunction with the Public Defender Program which has provided cost-shared legal aid in criminal matters in this province since 1973. Legal service for both programs is provided by a full-time staff of three lawyers and two secretaries. Administrative services are provided by the Provincial Justice Department. The Director of Legal Aid, who is one of the three staff lawyers, is responsible for the management of the program.

Objectives

The objective of family legal aid is to ensure that all persons have access to essential legal services in the area of family law. The program attempts to provide free legal services to eligible persons in situations where a person of modest means would hire a lawyer in private practice if faced with the same legal problem. This is the common objective of legal aid throughout Canada. The achievement of that objective has always been limited to some extent by the availability of staff and budgetary resources. Prince Edward Island has not been able to achieve the level of services provided in provinces where family legal aid was established in the early to mid-70's.

Eligibility

Eligibility is restricted to persons who are on social assistance at the time of application or who might become eligible for such assistance if required to pay the estimated cost of representation by private counsel.

Priority for assistance is given to applicants whose legal problems directly involve dependent children.

Legal aid may be refused in any situation where a reasonable individual of modest means faced with a similar problem would choose not to pay from his or her own pocket to obtain the assistance requested.

Our experience to date has shown that most applicants are financially eligible. Where service has been refused, it has usually been due to lack of merit, or a shortage of legal staff to pursue the matter. This problem has intensified in recent years due to increasing demands on staff time from the criminal sector of the program.

Coverage

Coverage is limited to matters within jurisdiction of the Family Division of the Supreme Court. Generally, this involves the Divorce Act, Family Law Reform Act, Custody Jurisdiction and Enforcement Act and the Family and Child Services Act. Priority is given to applicants under the Family and Child Services Act because they face the ultimate risk of their children being made permanent wards of the State.

Involvement of Private Counsel

Legal aid staff lawyers may represent only one party in any dispute. The same restriction applies to law firms in private practice. In some cases more than one party seeks legal aid. The program has a small budget to refer those applicants to private counsel on a tariff basis.

Legal Aid in Other Provinces

Before the introduction of Family Legal Aid, a Prince Edward Island resident would not be eligible for that assistance outside the Province. Under an inter-provincial agreement, residents of Prince Edward Island now have the opportunity to obtain legal aid in any province of Canada. A condition of the program is that similar service must be available to non-residents in this province.

Number of New Files Opened

There were 267 new files opened in 1987/88. This number includes only those cases where legal action was commenced through correspondence, negotiation, or court action. The figure does not include telephone and office consultations where summary advise was given without any file being opened.

Family cases tend to be difficult to settle quickly. Most cases take several months to resolve and in some, work proceeds beyond the year in which the file was opened. By nature, the practice of family law differs from other areas of litigation in that the circumstances of the litigants may continue to change and bring about new difficulties. Consequently, the capacity of the program to take new cases may be less in each successive year.

Telephone Inquiries

The provision of summary legal advice by phone is an important aspect of the program. The majority of applicants call in the initial stages of family break-ups. Early advice and appropriate referrals to other agencies at that stage may provide reassurance and enable callers to resolve their own difficulties before they lead to costly litigation.

Program Statistics **Family Legal Aid**	**86/87**	**87/88**
1. Number of Persons for whom new files were opened	210	267
2. Type of Application:		
Matrimonial: Includes divorce, separation, custody and other family matters	88%	86%
Child Protection Cases: Family & Child Services Act	12%	14%
3. Regional Distribution of Service:	<u>No. of Files</u>	
Charlottetown.....	115	120
Summerside.....	95	147
4. Ratio of Male to Female Clients:		
Male.....	18%	16%
Female.....	82%	84%
5. Number of Cases where Private Counsel Acted through Legal Aid:	11	17
6. Fees and Disbursements Paid to Private Counsel:	$11,000	$19,500
7. Number of Inter-Provincial Requests:		
To other provinces.....	11	8
From other provinces.....	5	3
8. **Total Expenditures**	**$52,500**	**$68,000**

SUPERINTENDENT OF INSURANCE

Insurance	**1988**	**1987**
Companies registered and licensed	244	274
Applicants examined	103	127
Insurance agents' licenses issued	297	307
Insurance adjusters' licenses issues ..	45	44

Comments

Automobile insurance premiums were up in 1988 due to loss experiences in the recent years. While market conditions have improved, difficulties continue to be experienced in areas of liability cover, especially pollution or environmental impairment. The Self Insurance Program (SIP), established two years ago, continues to work well. Government, school units and hospitals continue to be covered under the program.

The Province of Ontario has now received the Task Force Report on Insurance and a number of the recommendations are presently being implemented. As most of the insurance company offices are located in Ontario, any action taken there will have an influence and impact in other provinces. This office will continue to monitor the situation closely.

The Canadian Council of Superintendents of Insurance, in conjunction with the Insurance Bureau of Canada and other segments of the industry, have established a Compensation Fund for all of Canada. The Fund indemnifies claimants of insolvent insurer and is funded by an assessment on all licensed insurers. This plan became operational in 1988. A similar Compensation Fund, developed in conjunction with the Canadian Life and Health Insurance Association for the life and health industry, is expected to be operational in 1989.

The Facility Association, which is designed to cover high automobile risks, continues to work well and no major problems are being encountered.

The detailed report of the Superintendent for 1987 is provided separately and licensing statistics for 1988 are set out above. Of particular note is the constant progress made by the Prince Edward Island Mutual Fire Insurance Company during the year. The Company is well managed and this year celebrates the 104th anniversary of its founding.

The practice of examining applicants for agents' licenses continues for all classes and we believe this has greatly improved the caliber of agents and reduced the turnover which was so prevalent in the past.

All persons adjusting insurance claims in the Province must hold a valid license.

The Superintendent attended two national meetings of the Council of Superintendents, along with a number of Committee meetings.

Premium and Fire Prevention Tax	1988	1987
Premium tax collected	$1,354,133.01	$1,381,637.71
Fire prevention tax collected	91,397.61	101,102.23
**TOTALS ..... **	**$1,445,530.62**	**$1,482,739.94**

Comments

Premium tax at the rate of 2% is collected on all insurance premiums (except fraternal and marine) written in the province. The Fire Prevention Tax, which is assessed at 3/4 of 1% of the total fire premiums, is basically designed to defray expenses of the Provincial Fire Marshall's office. The increase in Premium Tax and Fire Prevention Tax is due to the increase in premium income.

Official Trustee

The services of the Official Trustee continue to increase during the year with 157 active accounts. Funds held in trust fluctuate and averaged $996,000 over the period. Excess funds are invested in Deposit Receipt Certificates with the Minister of Finance and at year end amounted to $1,202,000.

The accounts are reviewed annually by the Auditor General and his report is available elsewhere.

We continue to enjoy a close working relationship with the Division of Aging of the Department of Health and Social Services and as a result, we are able to better control the assets of patients or guests who are considered incompetent. The role of the Official Trustee is increasing, as all persons admitted to government homes that are considered incompetent are declared before admission. He is also called upon to represent estates of deceased persons in certain actions and, of course, continues to act as Administrator of Estates when no one else is available or qualified. The Official Trustee is also appointed Guardian in some situations, especially in the case where emergency surgery is considered necessary.

The Advisory Committee is consulted from time to time as the need arises.

Real Estate

The Superintendent of Insurance also administers the Real Estate Trading Act. Sales by agents during 1987 increased to more that 118 million dollars. Another good year is expected for 1988. Sales commissions for 1987 amounted to nearly 5 million dollars. An unknown number of properties are sold privately and those, of course, are not included in the figures given.

Two hundred and sixty-sixty (266) agents and salespersons were licensed in 1988, which is an increase over the previous year. New applicants must be bona fide residents and are required to pass a written examination which is written in this office by appointment. All agents and salespersons are bonded. A total of 69 examinations were written in 1988.

Personnel

Superintendent of Insurance: W. Bennett Campbell
Administrative Assistant: Marlene Phelan

JUDICIAL DIVISION

Function and Organization

This division is responsible for the design and maintenance of an administrative structure that meets the needs of all courts throughout Prince Edward Island. Its primary and continuing objective is to make appropriate and effective use of personnel and other resources to develop and manage a comprehensive court services program throughout the Province.

The overall strength of personnel in the Division is 29 with distribution being as follows:

	Protho-notary	Legal Ser.Off.	Jud. CL1	Jud. CL2	Jud. CL3	Crt. Steno.	Sher.	Cl & JP Pt Time	TOTAL
Ch'town	1	5	1	-	4	7	1	-	19
S'Side	-	1	-	-	2	2	1	-	6
Alberton	-	-	-	-	-	-	-	1	1
G'town	-	-	-	-	1	-	1	-	2
Souris	-	-	-	-	-	-	-	1	1
	1	6	1	0	7	9	3	2	29

The personnel provide the courts with support services, some of which are as follows:

1. **General Administration**

   - budget and expenditure control
   - personnel transactions
   - equipment supply, purchases, etc.

2. **Judicial Administration**

   - taxation of costs on solicitor-client and party-party basis
   - bankruptcy and discovery
   - supervision over court officers
   - Justices of the Peace

3. **Court Records**

   - registration and maintenance

4. **Docketing at Supreme Court Level**

5. **Stenographic and Secretarial and Clerk of the Court**

6. **Sheriff Services**

   - jury impanellment
   - process servers
   - execution of court orders

7. **Financial Record Management**

   - approximately $3 million annually at both court levels.

Changes in Personnel of Supreme Court

Mr. Justice Charles R. McQuaid assumed the status of a supernumerary Judge of the Court on January 15, 1988, after serving as a regular member of the court since November, 1975. Supernumerary status may be acquired as the result of one's age and length of service on the court, but Justice McQuaid remains a very active member of the court despite his title.

Mr. Justice George R. McMahon became a member of the Appeal Division, replacing Mr. Justice McQuaid, and history was recorded when Madam Justice Jacqueline Matheson was appointed a Justice of the Trial Division. She became the first female member of the Supreme Court of this Province since its inception in 1770.

Mr. Justice Frederic A. Large retired from the court on December 7, 1988, after having served in a supernumerary capacity for the past few years. He joined the court in 1975 after having served a short time as County Court Judge for Kings County. The County Court merged with the Supreme Court in 1975.

Bar Admissions

Six Bar Admissions were held in 1988 when the following individuals were admitted to the Bar of Prince Edward Island:

Kenneth L. Godfrey	February 26, 1988
Jeffrey E. Lantz	March 25, 1988
James M. Wyatt	April 8, 1988
Karen M. Campbell	May 6, 1988
Mary-Lynn Jenkins	September 30, 1988
Gary P. Evans	October 14, 1988

Appeal Division

The Appeal Division consists of Chief Justice Norman H. Carruthers and two other judges who sit together to hear civil and criminal appeals as well as references which occasionally come before the court. The following figures include references:

Criminal Appeals - 1988

Appeals carried forward from 1987	20
Appeals filed in 1988	22
Total in system in 1988	42
Appeals set down in 1988	32
Appeals abandoned before being set down in 1988	2
Appeals to be set down as of December 31, 1988	8
Disposition of the 32 appeals set down in 1988	
Abandoned after set down	8
Heard	24
Decisions given in 1988	24
Written decisions	15
Oral decisions	9
Of the 24 decisions given in 1988 -	
Those from cases reserved in 1987	3
Those from cases heard in 1988	21
Decisions reserved from 1988	3

Civil Appeals - 1988

Number carried forward from 1987	37
Appeals filed in 1988	46
Total number in system in 1988	83
Appeals set down in 1988	54
Appeals abandoned before set down in 1988	7
Appeals to be set down as of December 31, 1988	22

Disposition of the 54 Appeals in 1988

Abandoned without a hearing after set down	19
Heard	35
Decisions given in 1988	40
Written decisions	33
Oral decisions	7
Of the 40 decisions given in 1988	
Those from cases heard in 1987	7
Those from cases heard in 1988	33
Decisions reserved from 1988	2

Summary

Total appeals filed in 1988	66
Total appeals heard in 1988	59
Total decisions given in 1988	64
Total decisions reserved from 1988	5
Total written decisions 1988	48
Total oral decisions 1988	16
Total appeals in system as of December 31, 1988 to be scheduled for hearing	30

The members of the Appeal Division assist the Trial Division by handling uncontested chambers and divorces, weddings and the work of the Estates Section.

Trial Division

The members of the Trial Division consists of Chief Justice Kenneth R. MacDonald and three associate Justices along with Mr. Justice Charles R. McQuaid who is serving in a supernumerary capacity.

General Section

CIVIL TRIALS AND CONTESTED CHAMBER	1988
Cases heard and decisions rendered	76
Written decisions	49
Oral decisions	15
Reserved judgments	14
NON-JURY CRIMINAL TRIAL (SPEEDY TRIALS)	
Cases heard and decisions rendered	79
Written decisions	15
Oral decisions	64
SUMMARY CONVICTION APPEALS	
Cases heard and decisions rendered	39
Written decisions	10
Oral decisions	14
Reserved judgments	15
CIVIL JURY TRIALS	0
CRIMINAL JURY TRIALS	
Heard	4
Re-elections	21

Family Section

	1988
Cases heard and decisions rendered	61
Written decisions	17
Oral decisions	39
Reserved judgments	5
OTHER FILES OPENED	
Divorce petitions	295
Adoption petitions	50
Weddings	84
Change of Name Applications	60
Family Law Reform Act Applications	72

Family & Child Services Act Applications		37
Custody, Jurisdiction & Enforcement Act		58
Other		04
Collected for Maintenance	$554,351	

Estates Section

Applications for Probate	368
Applications for Administration	123
Reseal of Foreign Grants	15
TOTAL # OF GRANTS ISSUED	506
Applications for hearing to pass final accounts	27
TOTAL # OF PETITIONS FILED	533

Probate Fees Charged	$119,697
Value of Estate Assets	$27,007,524

Small Claims Section

	1988
New files opened	1,052
Nothing done except Originating Notice	420
Default Judgnents	505
Defences filed	118
Trials held and decisions given	48
Written	5
Oral	43
Set for Hearing and Settled	32

Documents Registered

Chattel Mortgages	18,748
Conditional Sales Agreements	7,914
Assignment of Book Debts	1,952
TOTAL REGISTRATION FEES	$429,210

Provincial Court

Total Monies Collected 1988 Calendar Year

Georgetown	110,222.00
Souris	75,085.00
Alberton	98,502.00
Charlottetown	444,754.00
Summerside	316,992.00
	1,045,555.00

Approximately 50% is paid to the Minister of Finance.

Approximate charges laid.

Charlottetown	11,000
Summerside	5,700
Georgetown	
Souris	
Alberton	4,000
	20,700

LEGAL SERVICES DIVISION

Legal Services are provided to the Premier's Office, Executive Council, Government Departments and some Crown Corporations and Agencies by lawyers employed in the Legal Services Division.

The Division has assigned solicitors to serve specific departments of Government in order to provide a degree of specialization which would not otherwise be possible.

The Legal Services Division represented Government in 1988 on litigation before the various divisions of the Supreme Court of Prince Edward Island. It also represented Government before various administrative tribunals and provided legal advice to others. Legal opinions and advice were provided on a full range of other matters to Departments of Government, Commissions and Agencies.

Staff changes saw Departmental Solicitor Linda M. Gaudet take a permanent position with Treasury Board and the hiring of Valerie A. Moore to fill the vacancy. Two other positions were created which are expected to be filled in early 1989.

Personnel

Director of Legal Services: Charles P. Thompson
Departmental Solicitor: Judith M. Haldemann
Departmental Solicitor: Roger B. Langille
Departmental Solicitor: Valerie A. Moore
Legal Secretary: Deborah L. Gillespie
Legal Secretary: Mary-Lynn Smith

LEGISLATIVE COUNSEL

The 1988 Session was productive. There were 70 public Acts and 5 private Acts enacted and three bills were referred to Committee for further study.

The Legislative Counsel drafted the 78 sets of regulations and 36 Board orders made in 1988.

The province has determined to revise the statutes. Preliminary work is under way and it is anticipated that the revision will be completed and available to subscribers in the fall of 1989.

The revision will state the law of the province at December 31, 1988. An important feature of the revision will be a proper subject index which is being prepared by the Canadian Law Information Council.

The office will prepare an 1988 update for those who subscribe to the loose-leaf consolidation of the statutes. Subsequent updates will be prepared only in respect to the new revised edition of the statutes.

Personnel

Legislative Counsel: M. Raymond Moore
Secretary: Marina G. Bears
Legislative Editor: Leona F. Nicholson

PUBLIC DEFENDER

April 1, 1987 to March 31, 1988

This was the fifteenth year of the Public Defender Program in Prince Edward Island. The service is cost shared under a federal-provincial agreement which applies in all provinces.

Objective

The objective of the Criminal Legal Aid Program is to ensure equality before the criminal law throughout Canada by making lawyers available to individuals who would otherwise be unable to afford legal representation. The program is designed to promote the development of national minimum standards in the delivery of criminal legal aid.

Eligibility

The legal aid agreement between Canada and the Province specifies that eligibility for legal assistance is to be determined by a flexible means test. In this province the test is conducted by a staff lawyer who must weigh the seriousness of the legal proceedings and then consider whether the applicant's present means should be sufficient to actually obtain private counsel.

How Service is Obtained

To obtain service, the applicant must contact a staff lawyer in the same manner as a paying client would contact a private practitioner. Contrary to a common misconception, the courts do not assign cases to legal aid staff lawyers. Although legal aid has become an integral part of the justice system, the program is run independently from the courts.

Choice of Counsel

Legal services are provided by three staff lawyers. Private counsel are retained in a small percentage of cases where a scheduling problem or a conflict prevents a staff lawyer from acting. It is only in murder cases that the applicant is given the choice of being represented by private counsel.

Offices

Full-time offices are maintained at the Law Courts Building in both Charlottetown and Summerside. On court days, staff lawyers also travel to Alberton, Souris and Georgetown if there are requests for assistance.

Cost-Sharing Formula

The federal-provincial cost-sharing agreement has been renegotiated every few years. The same cost-sharing formula applies across the country but the level of federal contribution varies, depending on provincial per capita expenditures and other factors under a complex formula. Canada's share of criminal

legal aid expenditures in this province has consistently been in the range of 85 to 90 per cent. For the country as a whole, Canada's contribution has been in the range of 45 to 55 percent since 1973.

Young Offenders

The demand for assistance under the Young Offenders Act, which was proclaimed in 1984, remained the level reported in the previous year. The Young Offenders Act places heavy emphasis on legal representation. The Act obliges police officers and the courts to advise young offenders of their right to counsel at all stages of the proceedings from arrest to trial. In addition, the Act contains several safeguards to ensure that young offenders are given the benefit of any doubt where their eligibility for free legal counsel is unclear. Experience to date seems to indicate that most young offenders are eligible for legal aid. All legal aid services under the Act are cost shared by Canada on terms similar to the present adult criminal legal aid agreement.

Cases Completed

The following cases were completed during the year. The definition of a case varies from province to province. In this province, each separate charge is counted as a separate case. An applicant may have several charges arising from one incident. Likewise, charges from several incidents are often dealt with by the court at one time. In either situation, the number of cases is equal to the number of charges. An appeal is also recorded as a separate case. Applications involving cases carried over from a previous year are not recorded in this report until the year in which the file is completed. In any instance where the same applicant requests assistance more than once within the same year, an additionall application is recorded. During the past year, 43 individuals requested assistance on more than one occasion.

Young offender cases are shown under each separate offence category.

	86/87		87/88	
	YOA	**Adult**	**YOA**	**Adult**
Unlawful Homicide	-	3	-	4
Robbery	5	6	1	26
Theft, possession of stolen goods	163	136	121	138
Break and Enter	149	145	151	128
Fraud, false pretenses	12	221	30	162
Drunk & impaired driving	8	85	14	196
Other motor vehicle	10	52	5	56
Escape - unlawfully at large	12	13	9	10
Cause disturbance	8	25	8	26
Assaults (including sexual assault)	21	88	19	102
Resisting arrest	1	11	3	11
Arson	2	4	4	3
Property damage	41	47	47	54
Breach probation	21	16	19	23
Dangerous & prohibited weapon	4	6	1	4
Narcotics	6	31	5	21
Sentence review YOA	6	-	15	-
Others	8	130	23	26
Total	**477**	**1,019**	**475**	**990**

Summary of Legal Aid

	86/87	87/88
Number of files (separate applications) completed and closed during the year	687	738
Number of cases (separate charges or appeals) completed in the above files	1,496	1,465
Cases where private counsel participated at some stage	43	60
Percentage of cases handled in whole or in part by private counsel	2.8%	4%
Number of private counsel who participated	14	17
Cost of service rendered by private counsel	$40,500	$24,000

Number of Applications By Region	**86/87**	**87/88**
Charlottetown	369	411
Summerside	224	208
Alberton	20	17
Georgetown	65	71
Souris	9	31

Age of Recipients	**87/88**
Young Offenders	
12 - 15 years	32%
16 - 17 years	68%

Adults

18 - 19 years	14%
20 - 24 years	33%
25 - 29 years	16%
30 - 34 years	9%
35 - 39 years	9%
40 - 59 years	17%
over 59 years	2%

	86/87	87/88
Total Criminal Legal Aid Expenditures	**$216,000**	**$215,000**